

IN THE MATTER OF
WILLIAM S. GOLDMAN, D.P.M.

BEFORE THE TEXAS STATE
BOARD OF PODIATRIC
MEDICAL EXAMINERS

SITTING IN AUSTIN,

TRAVIS COUNTY, TEXAS

RECEIVED

LICENSE No. 0978 DEC 05 2002

TEXAS PODIATRIC
MEDICAL EXAMINERS
AGREED ORDER

BE IT REMEMBERED that on the date approved and entered below came to be considered the allegations against William S. Goldman, DPM. By letter dated June 28, 2001 the staff of the Texas State Board of Podiatric Medical Examiners (the "Board") gave preliminary notice to Dr. Goldman of its intent to investigate complaints, concerns or reports filed against him. Dr. Goldman was duly notified of the allegations against him. Dr. Goldman has cooperated with the staff of the Board and was given the opportunity to present information in rebuttal. Dr. Goldman has provided the Board with numerous documents, information and has kept in constant contact with the Board throughout these proceedings.

By his signature on this Order, and upon acceptance and entry of this Order by the Board, Dr. Goldman does hereby waive his right to an administrative hearing before the State Office of Administrative Hearings, and judicial review of this Order. Dr. Goldman understands that he has the option, before signing this Agreed Order, to participate in a contested case hearing under the *Administrative Procedure Act*.

The Board and Dr. Goldman, in order to avoid the expense, delay and uncertainty of a hearing, have agreed to the entry of an order dispensing with the need for further action in this matter. Dr. Goldman agrees to this Order for the purpose of resolving this proceeding only and without admitting or denying the Findings of Fact and Conclusions of Law set out in this Order. The Board makes the following Findings of Fact and Conclusions of Law, and enters this order:

FINDINGS OF FACT

1. Dr. Goldman is licensed as a podiatric physician in the State of Texas (License Number 0978) to practice podiatric medicine and is therefore subject to the jurisdiction of the Board, the Podiatric Medical Practice Act of Texas and the rules of the Board.
2. Complaints were filed against Dr. Goldman, and he was provided with notice of the complaints and with an opportunity to respond to the complaints and to show compliance with the law.

3. The complaints alleged facts stating that Dr. Goldman violated Tex. Occup. Code §202.253(3) and 202.253(15), and that he violated 22 Tex. Admin. Code §375.2 and §376.1.

CONCLUSIONS OF LAW

1. Dr. Goldman is required to follow the provisions of the podiatric medical practice act, Texas Occup. Code, §202.001, et. seq., and the associated rules of the Board, 22 Tex. Admin. Code § 371.1, et. seq.
2. Tex. Occup. Code §202.501(a) provides that, "the Board shall revoke or suspend a license; place on probation a person whose license has been suspended, or reprimand a license holder for violating the law regulating the practice of podiatry or a rule adopted by the board."
3. 22 Tex. Admin. Code §376.1(a)(1) provides that, "any podiatric physician who violates any provision of these rules, or any provision of the Act shall be at the discretion of the Board subject to the following penalties: cancellation, suspension, revocation, or probated cancellation, revocation, or suspension of the license to practice podiatric medicine."
4. Tex. Occup. Code §202.5015 provides that a license holder who engages in conduct described by Section 202.253 violates this chapter.
5. The Findings Of Fact numbers 1 through 3 establish that Dr. Goldman violated:

22 Tex. Admin. Code §375.2: A podiatric physician shall be temperate in all things in recognition that his knowledge and skill are essential to public health, welfare, and human life.

ORDER

1. Dr. Goldman's license to practice podiatric medicine is hereby placed on probated suspension for a period of 12 months, commencing on the day after the Order is approved by the Board.
2. Dr. Goldman agrees, in order to cooperate fully with the Board and provide the Board with proper information and adequate knowledge of his remedial actions taken in this matter, to have his license placed on probated suspension for one (1) year and to provide the Board with documentation of his compliance with the Board's requirements.
3. A drug-monitoring program shall monitor Dr. Goldman during the 12-month period of probated suspension, with all associated costs being Dr. Goldman's responsibility. The Board has appointed a drug monitoring company, Norchem, to monitor and send its monitoring results to the Board. Dr. Goldman must ensure that Norchem

forwards to the Board, on a quarterly basis for that 12-month probation period the results of the monitoring. Dr. Goldman may, within 30 (thirty) days after the effective date of this Agreed Order, submit to the Board any documentation acknowledging existing compliance with drug monitoring, for a period of no less than 12 months, prior to the effective date of this Order, to fulfill the terms of this requirement.

4. Dr. Goldman shall pay to the Board a non-refundable administrative fine of \$2,000.00 (Two Thousand Dollars and no/100) fully due and payable within 180 (one-hundred eighty) days after the effective date of this Agreed Order.
5. If Dr. Goldman in any way does not comply with the terms of this Agreed Order, the probation of the suspension will be lifted, resulting in a full imposition of suspension requiring that Dr. Goldman's office will be closed for any and all business, and subjecting Dr. Goldman to comply with all the provisions of 22 Tex. Admin. Code §376.7, regarding conditions of suspension.
6. The terms of this Agreed Order, if accepted by the Board, become effective upon approval of the Board.
7. If the Board finds that Dr. Goldman fully complied with the terms of the Agreed Order; the Board agrees not to bring any further disciplinary action regarding the facts that are the subject of this Order.

GENERAL PROVISIONS

1. Effective Date. This Agreed Order shall take effect and become binding upon the approval by the Board.
2. No Waiver. No waiver of any of the terms of this Agreed Order shall be valid unless in writing. No waiver of default of any terms of the Agreed Order shall be deemed a waiver of any subsequent breach or default of the same or similar nature.
3. Governing Law. This Agreed Order is entered into pursuant to and shall be construed to be in accordance with the laws of the State of Texas including *Tex. Occup. Code Ann., §202.001 et. seq., the Podiatric Medical Practice Act.,* and the *Tex. Gov't Code Ann., §2001.001 et seq., the Administrative Procedure Act.*
4. Venue. Venue of all litigation arising from or related to this Agreed Order shall be in the county of competent jurisdiction in Austin, Travis County, Texas.
5. Acknowledgment of Entire Agreement. Dr. Goldman acknowledges that he has carefully read this instrument, including all documents or exhibits, if any, that are referred to, that this instrument expresses the entire agreement between the parties concerning the subjects it purports to cover, and Dr. Goldman has executed this instrument freely and of his own accord.

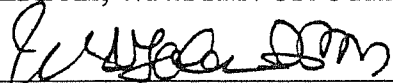
5. Notice. Any notice to be given under the terms of this Agreed Order by either party to this order shall be in writing and shall be delivered by personal delivery or certified mail, return receipt requested, to the following addresses:

Dr. William S. Goldman
3305 NE Loop 286, Suite C
Paris, TX 75460

Texas State Board of Podiatric Medical Examiners
P.O. Box 12216
Austin, TX 78711-2216

6. Upon approval of this Agreed Order by the Board, the Presiding Officer and the Executive Director are authorized to sign the Order on the Board's behalf.

I, WILLIAM S. GOLDMAN, DPM, HAVE READ AND UNDERSTAND THE FOREGOING ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE THE RIGHT TO A HEARING BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AND TO JUDICIAL REVIEW OF THE AGREED ORDER. I SIGN IT VOLUNTARILY. I UNDERSTAND THE AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.



William S. Goldman

12/4/02

Date

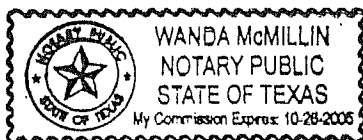
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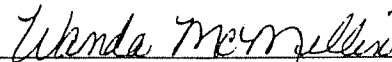
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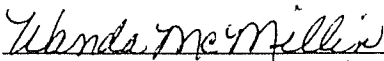
BEFORE ME, on this day personally appeared William S. Goldman known to me, who first, being duly sworn, signed the foregoing **Agreed Order** in my presence.

SIGNED on this the 4th day of Dec., 2002.



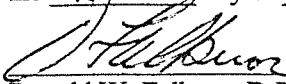


(Printed Name of Notary Public)

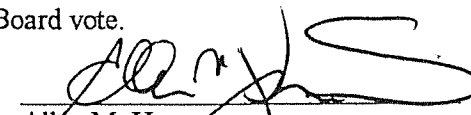


Notary Public, in and for the State of Texas

APPROVED AND ENTERED by the Texas State Board of Podiatric Medical Examiners on this the 12th day of February, 2002, after a Board vote.



Donald W. Falknor, D.P.M.
Board President



Allen M. Hyman
Executive Director



TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

Physical Address: 333 Guadalupe; Suite 2-320; Austin, Texas 78701
National Toll Free Complaint Hotline: 1-800-821-3205

Mailing Address: P.O. Box 12216; Austin, Texas 78711-2216
Voice: 512-305-7005 Fax: 512-305-7165

<http://www.foot.state.tx.us>

"Assuring Quality Podiatric Medicine For The Citizens Of Texas"

INVESTIGATIONS DIVISION

February 13, 2004

William S. Goldman, DPM
Paris Podiatry Center
3305 N.E. Loop 286; Suite #C
Paris, TX 75460

RE: COMPLIANCE
Agreed Order (Case No. 00-060; 01-027)
Completion of Community Service

Dear Dr. Goldman,

The Texas State Board of Podiatric Medical Examiners is in receipt (August 5, 2003) of your correspondence indicating the successful completion of all of your "Court -Ordered Community Service Restitution Requirements" (6th Judicial District Community Supervision and Corrections Department).

The related judicial correspondence affirming the completion of the terms of your Community Service was presented to the full Board at its January 13, 2004 Board Meeting. The Board unanimously and graciously accepted the document. Again, your earlier statements and actions to the Board, indicating your cooperation and willingness for personal and professional success, have proven to be valid.

Regarding Agreed Order 00-060/ 01-027, your license was placed on a Probated Suspension from February 13, 2003 through February 13, 2004; amidst other "Ordered" terms. Review of your "Compliance Monitoring File" indicates you have been FULLY COMPLIANT with the terms of the Agreed Order and expeditious in reporting your actions to the Board.

As a result, this correspondence will affirm the successful completion of the Probated Suspension and of all terms of the Agreed Order; there are no more terms to monitor. Although all Board Agreed Orders remain a permanent public record, in accordance with State Law, this letter will supplement the Agreed Order as notice of your compliance.

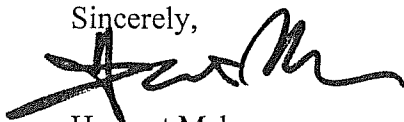
During the past year, you have exhibited a level of cooperation, professionalism and consciousness in resolving these matters before the Board. The spirit behind the Agreed Order was to ensure that the public's health, safety and welfare was not compromised and also as a medium to provide you with an opportunity for rehabilitation. The Board recognized the service you provide to your patients in Northeast Texas and felt it necessary to rehabilitate you for the benefit of your patients; not to remove you from needed podiatric services.

Again, this correspondence will officially affirm your completion of all terms of Agreed Order 00-060/ 01-027.

If you require any further assistance, please contact me directly at (512)-305-7005.

Thank you again for your continued cooperation and commitment to resolving these matters before the Board.

Sincerely,



Hemant Makan

Investigator

(512)-305-7005

Hemant.Makan@foot.state.tx.us

CC: Allen M. Hymans, Executive Director